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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/080,970	02/22/2002	Christopher William Widenhouse	CRD-1008	1596	
27777	7590 07/12/20		EXAM	EXAMINER	
PHILIP S. JOHNSON			HO, U	HO, UYEN T	
JOHNSON &	t JOHNSON ON & JOHNSON PI	ZA	ART UNIT	PAPER NUMBER	
NEW BRUN	SWICK, NJ 08933		3731	<del></del>	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Summary	10/080,970	WIDENHOUSE, CHRISTOPHER WILLIAM					
Office Action Summary	Examiner	Art Unit					
	(Jackie) Tan-Uyen T. Ho	3731					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
Status		. •					
1) Responsive to communication(s) filed on 25 A	oril 2005.						
•	action is non-final.						
3) Since this application is in condition for allowa		secution as to the merits is					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) 1,2 and 4-8 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1,2 and 4-8</u> is/are rejected.							
7) Claim(s) is/are objected to.							
	B) Claim(s) are subject to restriction and/or election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Ex							
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority document</li> <li>2. Certified copies of the priority document</li> </ul>	s have been received.						
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Burea	•						
* See the attached detailed Office action for a list of the certified copies not received.							
	·						
Attachment(s)							
1) X Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate					
<ol> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ol>	5)  Notice of Informal P	atent Application (PTO-152)					

Application/Control Number: 10/080,970 Page 2

Art Unit: 3731

#### DETAILED ACTION

## Response to Arguments

1. Applicant's arguments have been considered but are most in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Smith (6,645,238). Smith discloses a stent delivery catheter comprising an inner shaft (104), a stent (108) and a sheath (114) having an outer polymer layer and an inner ceramics (col. 3, lines 47-67).

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Application/Control Number: 10/080,970

Art Unit: 3731

5. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '238. Although, Smith does not disclose the lubricious inner layer being pyrolytic carbon, Smith teaches inner the lubricious inner layer being ceramics, amorphous carbon. Pyrolytic carbon is a well-known lubricious material in the art beside ceramics and amorphous carbon or diamond like coatings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the lubricous material as disclosed by Smith with pyrolytic carbon. Doing so would amount to mere substitution of one known material for the other within the art that performs equally well in Smith's device.

In regarding to claim 5, it would have been obvious matter of design choice to have pyrolytic carbon indirect affixed to the polymeric layer such that pyrolytic carbon affixed to a substrate and the substrate being affixed to the polymeric layer, since applicant has not disclose that having the pyrolytic carbon affixed to a substrate and the substrate being affixed to the polymeric layer solves any stated problem or is for any particular purpose and it appears that the sheath would perform equally well with the pyrolytic carbon direct or indirect affixed to the polymeric layer.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone

Art Unit: 3731

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

(Jackie) Tan-Uyen T. Ho Patent Examiner

Art Unit 3731

July 8, 2005